

ADVERSED BY
CITY COUNCIL

MAR 21 2005

Entered - 10/03/03 - sb
CL03L0790 - DIANNE C. MITCHELL

05-*R*-0442

CLAIM OF: **RUTH SINCLAIR,**
through her insurance carrier,
Progressive Insurance Company
P. O. Box 89440
Cleveland, Ohio 44101-6440

For damages alleged to have been sustained as a result of a
vehicular accident on July 11, 2003 at 782 Ponce de Leon
Avenue.

THIS ADVERSED REPORT IS APPROVED

BY: _____

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

CONSENT AGENDA

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 3/15/05

CHAIR: _____

Mary Greenwood

John Smith

Carla Smith

MAR 21 2005

MAR 21 2005



OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

March 25, 2005

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

Progressive Insurance Compan
Insurance Carrier
Attn: Crystal Neitzel
P.O. Box 89440
Cleveland, Ohio 44101-6440

05-R-0422

RE: Ruth Sinclair

Dear Ms. Neitzel

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 03, 2005. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0790

Date: March 3, 2005

Claimant /Victim RUTH SINCLAIR
BY: (Ins. Co.) Progressive Insurance Company
Address: P. O. Box 89440, Cleveland, Ohio 44101-6330
Subrogation: X Claim for Property damage \$ 3,267.22 Bodily Injury \$ _____
Date of Notice: 10/03/03 Method: Written, proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 07/11/03 Place: 782 Ponce de Leon Avenue
Department PRCA Bureau: Parks
Employee involved Dennis Stroud Disciplinary Action: No Action Taken

NATURE OF CLAIM: The claimant alleges that her vehicle was damaged in a vehicular accident with the driver of a City vehicle. However, the investigation determined that police officer who investigated the accident was unable to determine who caused the accident as both drivers have given conflicting statements as to who was at fault. The claimant, through her insurance carrier has failed to provide any independent witnesses or evidence to support her allegations.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____
Pictures _____ Diagrams _____ Reports: Police X Dept Report X Other _____
Traffic citations issued: City Driver X Claimant Driver X
Citation disposition: City Driver Dismissed Claimant Driver Dismissed

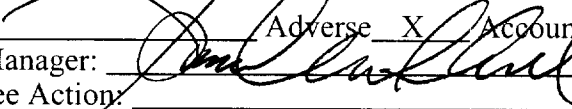
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____
City not involved _____ Offer rejected _____ Compromise settlement _____
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - DIANNE C. MITCHELL

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____ 2P01 _____
Claims Manager:  Concur/date 03/03/05
Committee Action: _____ Council Action _____

RCS# 6559
3/21/05
2:26 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PG 4-16 EXCEPT
05-R-0499 04-O-2111
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	B Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	B Sheperd	NV Borders

CONSENT I